

E-filing

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DELANEY MARKS,

No. C-10-2540 TEH (PR)

Petitioner,

v.

ORDER OF DISMISSAL

FIRST NATIONAL BANK,

Respondent(s).

\_\_\_\_\_ /

This habeas corpus action by a pro se prisoner was filed on June 9, 2010. Doc. #1. The Court notified Petitioner in writing at that time that the action was deficient because he did not pay the requisite \$ 5.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis application, including a completed certificate of funds in his prison trust account and a copy of his prison trust account statement for the last six months. See 28 U.S.C. § 1915(a)(2). Petitioner was advised that failure to file the requested items within thirty days would result in dismissal of the action. Doc. #2.

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1           On June 29, 2010, Petitioner filed an in forma pauperis  
2 application, and included the requisite certificate of funds. Doc.  
3 #3. But the certificate was both incomplete and not signed not by  
4 an "authorized officer of the institution." See id. at 7. Further,  
5 Petitioner failed to file a copy of his prison trust account  
6 statement for the last six months. Petitioner's in forma pauperis  
7 application, therefore, remains deficient.

8           Over thirty (30) days have elapsed since Petitioner was  
9 sent notice of his filing deficiency. Petitioner has not provided  
10 the Court with the requisite items, or sought an extension of time  
11 to do so. Accordingly, the action is DISMISSED without prejudice.

12           The Clerk is directed to terminate all pending motions as  
13 moot and close the file.

14  
15           IT IS SO ORDERED.

16  
17 DATED

18 7/21/10

19 Thelton E. Henderson  
20 THELTON E. HENDERSON  
21 United States District Judge  
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